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CITY OF SAN DIEGO COUNCIL DOCKET



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Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building

Monday, November 4, 2013

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, NOVEMBER 4, 2013, AT 2:00 PM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to San Diego Municipal Code Section 22.0101, Rule 2.6.

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY, CITY CLERK COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will consider requests for continuance based on when the item was noticed to be heard.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED:

ITEM-200: Housing Impact Fee Municipal Code Amendments. (Citywide.)

ITEM DESCRIPTION:

That the City Council approves the recommendations to update the Housing Impact Fee ordinance as included in this report.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-57)

Introduction of an Ordinance amending Chapter 9, Article 8, Division 6, of the San Diego Municipal Code, by amending Sections 98.0601, 98.0604, 98.0606, 98.0608, by repealing Section 98.0609, by amending Sections 98.0610, 98.0611, 98.0614, 98.0615, 98.0618, 98.0619, and Appendix A, all relating to Housing Impact Fees on Nonresidential Development in the City of San Diego;

Since 1990, the City of San Diego has collected a housing impact fee from new commercial and industrial development (nonresidential development). The fee is based on the type of nonresidential development and the square footage of that development. The fee is charged for the purpose of providing affordable housing to meet the need for this housing that is created by the employment at the new development. The current San Diego Municipal Code requires the amount of the fee to be revised based on changes to a specific building cost index. The current San Diego Municipal Code also requires the San Diego Housing Commission to prepare an annual recommendation to the City Council regarding the proposed fee revisions;

This ordinance would increase the fees to initial rates representing 1.5% of the current development costs of nonresidential development. This ordinance would also allow the Housing Commission to annually adjust the housing impact fees based on the building cost index without a Council action. This ordinance updates the provision regarding exemptions for fees due in enterprise zones in order to address state legislation that abolishes such zones effective January 1, 2014. This ordinance expands the existing variance provisions that may be heard and granted by the Housing Commission to include requests for reductions and adjustments and adds a provision that allows the City Council to hear and grant requests for waivers; (Rev. 10/31/13)

Declaring that the Chief Executive Officer of the San Diego Housing Commission shall notify the City Council, the Housing Authority of the City of San Diego, and the City Clerk of any revisions of Chapter 9, Article 8, Division 6, Appendix A undertaken pursuant to San Diego Municipal Code Section 98.0619, and that, upon receipt of such notification, the Clerk shall at that time replace that Division's Appendix A with the revised version of Appendix A.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Approving this action will increase the total Affordable Housing Fund revenue approved in the Housing Commission's Fiscal Year 2014 budget. Funds generated from the Offset are deposited into the City's Affordable Housing Fund and will be used to operate programs as specified in the Affordable Housing Fund Annual Plan.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- The City Internal Auditor's Office presented its Performance Audit Report at the Land Use and Housing Committee meeting on September 2, 2009, and to the Housing Authority of the City of San Diego on October 20, 2009.
- On March 30, 2011, this item was presented at the Land Use and Housing Committee meeting.
- On July 11, 2011, the City Council declined to update the Offset ordinance on a 4-4 vote, referring the matter to the Housing Commission's Task Force, with instructions to return the matter to the City Council.
- On November 16, 2011, the Housing Commission returned to Land Use and Housing Committee with the Task Force's final recommendations for additional revenue sources dedicated to affordable housing. The Land Use and Housing Committee took no action on the recommendations.
- On October 11, 2013, the Housing Commission Board voted to forward on this report without a recommendation to the City Council.

Davis/Chadwick

Primary Contact\Phone: Colin Parent\619-578-7768
City Attorney Contact: Halsey, Keely M.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Mondays, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the Closed Session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Allow for questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in Closed Session; 4) Refer matters discussed to Closed Session.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: **Notice** of Pending Final Map Approval - Worsch Way.

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "Worsch Way" (V.T.M. No. 863614, PTS No. 322271) located on Worsch Drive between Worsch Way and Del Mar Trails Road, in the CVPD-SF2 R-301263 zone, within the Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 PM, 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Gregory P. Hopkins (619) 446-5291.

ITEM-251: Submission of Ballot Proposals for the June 3, 2014 Ballot.

**SUBMISSION OF BALLOT PROPOSALS
FOR THE JUNE 3, 2014 BALLOT**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred to Council following Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the June 3, 2014, election*:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	1/10/14	144	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee.
Wednesday	1/15/14	139	Committee review.
Monday	1/27/14	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Committee.
Monday	1/27/14	127	Council adopts propositions for ballot; directs City Attorney to prepare ordinances.
Monday	2/10/14	113	Council adopts ordinances prepared by City Attorney.
Friday	3/7/14	88	Last day for City Clerk to file with Registrar of Voters all elections material.
Thursday	3/20/14	75	Last day to file ballot arguments with City Clerk.

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.

***NOTE: This calendar is contingent upon City Council adoption of the Calendar Year 2014 Legislative Calendar.**

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT